

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TIMOTHY DEMEUSE,
*on behalf of himself and all
others similarly situated,*

Plaintiff,

v.

Case No. 16-cv-651-pp

COMMUNITY TRAFFIC CONTROL, LLC.,

Defendant.

****AMENDED** ORDER GRANTING JOINT MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND COLLECTIVE ACTION SETTLEMENT (DKT. NO.
23) AND APPROVING STIPULATION TO CERTIFY THE RULE 23 CLASS
AND THE COLLECTIVE CLASS ACTION (DKT. NO. 24)**

On October 6, 2017, the parties filed a joint motion for preliminary approval of class and collective action settlement. Dkt. No. 23. The parties attached their settlement agreement, dkt. no. 23-1, and submitted a brief explaining why they believe the settlement is fair, reasonable, and adequate, dkt. no. 25. The parties also applied the Rule 23(a) and (b) standards to the proposed Rule 23 class of all employees employed by the defendant between June 2, 2014 and November 1, 2015 in Wisconsin who worked a prevailing wage job (identified in Exhibit A to the settlement agreement). Dkt. Nos. 24, 23-2.

The court **FINDS** that the settlement agreement (dkt. no. 23-1) is fair, reasonable and adequate, **GRANTS** the joint motion for preliminary approval of

class and collective action settlement (dkt. no. 23), and **APPROVES** the parties' joint stipulation to certify a collective action under 29 U.S.C. §216(b) and to certify a class action under Fed. R. Civ. P. 23 (dkt. no. 24).

The court **APPOINTS** Timothy Demeuse as class representative of the Fed. R. Civ. P. 23 Class and the 29 U.S.C. §216(b) Collective Class.

The court **APPOINTS** Hawks Quindel, S.C. as class counsel for the certified Fed. R. Civ. P. 23 Class and the 29 U.S.C. §216(b) Collective Class.

The court **FINDS** that the parties' Notice of Class Action Settlement (dkt. no. 23-3) constitutes valid, due and sufficient notice for distribution to the Rule 23 Class, and **ORDERS** that:

1. Class counsel shall mail the notice within **seven days** of the date of this order.
2. Putative Collective Class members may file a consent form **within thirty days** of the notice's mailing.
3. Any individual who wishes to exclude himself or herself from the Rule 23 Class must opt out, per the instructions in the Notice of Class Action Settlement, within **thirty days** of the mailing of that notice.
4. Any individual who does not exclude himself or herself from the Rule 23 settlement shall be bound by any court order granting final approval to the settlement.
5. Any Rule 23 Class member who wishes to object in any way to the proposed settlement agreement must file and serve those objections in writing—following the instructions in the Notice of Class Action Settlement—

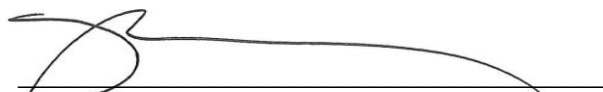
together with copies of all papers in support of his or her position, no later than **thirty days** after the mailing of the Notice of Class Action Settlement.

6. The court has scheduled a fairness hearing for December 19, 2017 ****at 2:30 p.m.,**** for the court to hear the objections of any Rule 23 Class Member who validly objected to the settlement agreement as provided in the notice, and to make its determination as to the final approval of the settlement and the amounts paid to class counsel as attorneys' fees and costs.

7. Class counsel shall file a motion for approval of attorneys' fees on or before a date at least **twenty-one days** prior to the fairness hearing. Any supplemental brief in support of final approval of the settlement agreement or in response to any objections to the application for attorney's fees shall be filed at least seven days prior to the fairness hearing.

Dated in Milwaukee, Wisconsin this 27th day of November, 2017.

BY THE COURT:


HON. PAMELA PEPPER
United States District Judge